

Senate Bill 401

By: Senators Seabaugh of the 28th, Rogers of the 21st, Heath of the 31st, Cowser of the 46th, Chapman of the 3rd and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air pollution control, so as to permit the Governor to delay implementation of the requirements of any federal program to implement a cap and trade system or any other program to address greenhouse gas emissions or motor vehicle fuel economy until a comprehensive assessment of such program can be made and the Governor finds that the implementation will benefit the citizens of Georgia; to provide for legislative intent and to direct the Attorney General to undertake certain litigation under certain circumstances; to provide a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Energy Freedom Act of 2010."

SECTION 2.

It is the intent of the General Assembly of Georgia to ensure that any federal program to implement a cap and trade system or any other program to address greenhouse gas emissions or motor vehicle fuel economy that has been or may be proposed undergo a comprehensive assessment to evaluate the fiscal and regulatory impacts of such system or program on Georgia's budget, economy, consumers, families, and small and large businesses as well as to determine whether compliance with such system or program is in the best interests of Georgia.

SECTION 3.

Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air pollution control, is amended by adding a new article to read as follows:

24 "ARTICLE 4.

25 12-9-90.

26 (a) As used in this Code section, the term 'greenhouse gas' means carbon dioxide, methane,
27 nitrous oxide, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon.

28 (b) The Governor, or his or her designee, is authorized to delay compliance with any
29 federal program to regulate greenhouse gas emissions or motor vehicle fuel economy until
30 such time as a comprehensive analysis of the fiscal and regulatory impacts of the proposed
31 program, and any legislation required to authorize the proposed program, on this state's
32 budget, economy, consumers, families, and small and large businesses has been made and
33 it is determined that participation in such federal program is in the best interests of the
34 citizens of this state. This Code section shall not be interpreted as limiting the Governor's
35 discretion or authority to delay compliance with provisions of any federal program for any
36 other reason.

37 (c) The General Assembly considers it a duty of the sovereign State of Georgia to protect
38 for the state and its people the powers reserved to them under the Tenth Amendment. If
39 the federal government should take or threaten any action to penalize or otherwise act
40 against the interests of the state and its people because of any delay authorized under
41 subsection (b) of this Code section, it shall be the duty of the Attorney General to promptly
42 and vigorously litigate in opposition to such federal action on the basis of any applicable
43 Tenth Amendment grounds and on any other relevant and applicable legal grounds."

44 **SECTION 4.**

45 This Act shall become effective on July 1, 2010.

46 **SECTION 5.**

47 All laws and parts of laws in conflict with this Act are repealed.